

**Notice of Allowability**

Application No.

10/716,472

Applicant(s)

AKIYAMA ET AL.

Examiner

Bernard E Souw

Art Unit

2881

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/04/2004.
2. ☒ The allowed claim(s) is/are 11-18.
3. ☒ The drawings filed on 04 October 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>11/20/03</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                               | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Amendment***

1. The Amendment filed 10/04/2004 has been entered.  
Fig. 1 and Fig. 7 have been amended.  
Claims 1-10 have been previously cancelled (per 11/20/2003 Amendment).  
Claims 11-18 remain pending in this office action.

### ***Terminal Disclaimer***

2. The terminal disclaimer filed on 10/26/2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of parent application SN 09/623,040 (allowed on 12/24/2003, but not yet issued) has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Double Patenting Rejections Withdrawn***

3. A proper Terminal Disclaimer having been received by the Office (see above), all the previous Double Patenting rejections are now withdrawn.

### ***Objection to the Figure Drawings Withdrawn***

4. Fig.1 and Fig.7 having been properly amended, their previous objections are now withdrawn.

***§ 112 Rejection Withdrawn***

5. Applicant's explanation regarding the term "PWM" having been found acceptable, the previous rejections of claims 16 and 18 under 35 U.S.C. §112, second paragraph, are now withdrawn.

***ALLOWANCE***

6. Claims 11-18 are allowed.

The claims are subsequently renumbered to claims 1-8.

***Reasons for Allowance***

7. The following is an examiner's statement of reasons for allowance:

A charged particle beam (CPB) irradiation apparatus comprising a first and second power supplies for applying pulsed voltages to a first and second scanning electromagnets for scanning the CPB in a first and a second directions, respectively, wherein the first power supply unit has no filter and the second power supply unit is equipped with a filter to optimize the device performance, as recited in claim 11, is neither anticipated nor rendered obvious by any prior art.

Claims 12-18 are also allowed because of their dependencies, either directly or indirectly, upon claim 11.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

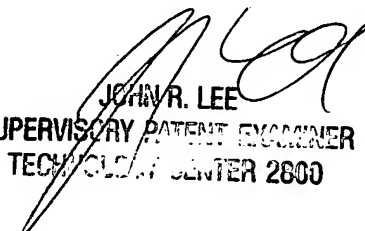
### ***Communications***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard E Souw whose telephone number is 571 272 2482. The examiner can normally be reached on Monday thru Friday, 9:00 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on 571 272 2477. The central fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications as well as for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

bes  
October 28, 2004

  
JOHN R. LEE  
SUPERVISORY PATENT EXAMINER  
TECH/CLERK CENTER 2800